

**Remarks**

Reconsideration of this Application is respectfully requested. In response to the Office Action mailed February 11, 2005, Applicants have amended claims 25-35.

Based on the above Amendment and the following Remarks, Applicants respectfully request that the Examiner reconsider and withdraw the restriction requirement.

**Restriction Requirement 35 U.S.C. § 121**

On page 2 of the Action, the claims are restricted into two groups: Group I including claims 1-24 drawn to a membrane interface probe apparatus, classified in class 324, subclass 754; and Group II including claims 25-35 drawn to an enhanced scanning solutions module, classified in class 422, subclass 67.

In the restriction, the Action alleges that groups I and II are different inventions that have different modes of operation and function. The Action further alleges that Group I teaches a probe apparatus and that Group II teaches a scanning module with no claims showing that Group I is needed for Group II to operate and function.

The Action also states that a further restriction is required if Group I is selected. The Action further restricts Group I into the species of Fig. 4A, the species of Fig. 4B, the species of Fig. 4C, and the species of Fig. 4D.

Accordingly, the Applicants elect group I corresponding to FIG. 4A with traverse. However, the Applicants disagree with the restriction requirement and believe it is improper for at least the following reasons.

First, it is unclear how a restriction can be made between Group I and Group II when a similar search is required for both groups. In the restriction requirement, the Action appears

to restrict between the membrane interface probe (Group I) and the enhanced scanning solutions module (Group II). However, the restriction set forth in the Action includes the enhanced scanning solutions module in both Group I and Group II (see claim 20, lines 2-3). In order to search for the membrane interface probe in claim 20, the Examiner necessarily will have to search for an enhanced scanning solutions module in Group I. Thus, the Examiner will search for the enhanced scanning solutions module in both Group I and Group II. Therefore, the restriction is improper since no undue burden exists to search both Group I and Group II.

Second, the restriction of Group I into species that correspond to FIGs. 4A-4D is improper since FIGs. 4A-4D refer to different views of the same embodiment of the invention. The Examiner is respectfully directed to page 21, line 28 – page 26, line 13 and FIGs. 4A-4D of the application. As described and shown, FIGs. 4A-4D depict different views and components of the membrane interface probe (MIP) 400. For example, FIG. 4A illustrates a high level schematic diagram of the MIP 400 including an external barrel assembly 402 and an inner core assembly 404, (see page 22); FIG. 4B illustrates cross section view of MIP 400 from FIG. 4A (see page 23); FIG. 4C illustrates a cavity with the inner core barrel assembly 404 of the MIP 400 from FIG. 4A (see page 22); and FIG. 4D illustrates the external barrel assembly 402 of the MIP 400 from FIG. 4A (see page 22). Thus, the restriction requirement in the Action is between different views of the external and internal components of the same embodiment of the MIP 400. Clearly, a restriction between different views of the same embodiment of an invention is not required under 35 U.S.C. §121.

Therefore, since the same search is required for both Group I and Group II, and since the further restriction requirement is between different views of the same embodiment, the

restriction is improper. The Applicants respectfully request that the restriction be withdrawn.

**Conclusion**

All of the stated grounds of restriction have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw the presently outstanding restriction requirement. Applicants believe that a full and complete reply has been made to the outstanding Office Action. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

Date: March 11, 2005



Ralph P. Albrecht  
Registration No. 43,466  
VENABLE LLP  
P.O. Box 34385  
Washington, D.C. 20043-9998  
Telephone: (202) 344-4000  
Telefax: (202) 344-8300

#630856